

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BSQUARE CORPORATION

Plaintiff,

v.

DATA EVOLUTION CORPORATION

Defendant.

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C.A. No. 05-886 (JJF)

NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Bruce E. Jameson, Esq.
Prickett Jones & Elliott
1310 King Street
P.O. Box 1328
Wilmington, DE 19899

Respectfully submitted,

/s/ Jonathan L. Parshall
Jonathan L. Parshall, No. 3247
MURPHY SPADARO & LANDON
1011 Centre Road, Suite 210
Wilmington, DE 19805
Tel. (302) 472-8106
Fax (302) 472-8135

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BSQUARE CORPORATION

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C.A. No. 05-886 (JJF)

**NOTICE OF FILING OF PROOF OF SERVICE OF SUBPOENA DUCES TECUM TO
A7 ENGINEERING, INC.**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 45,
plaintiff's subpoena to A7 Engineering, Inc. was served upon that entity on July 10, 2006.

/s/ Jonathan L. Parshall
John S. Spadaro, No. 3247
MURPHY SPADARO & LANDON
1011 Centre Road, Suite 210
Wilmington, DE 19805
Tel. (302) 472-8106
Fax (302) 472-8135

UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

California

BSQUARE CORPORATION,

Plaintiff,

V.

DATA EVOLUTION CORPORATION,
Defendant.

SUBPOENA IN A CIVIL CASE

CASE NUMBER:¹

Civ. No. 05-886 JJF

Pending in D. Del.

TO: Custodian of Records, A7 Engineering, Inc.
12860 C Danielson Court
Poway, CA 92064☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Mail to the address below all these items described in Attachment "A" attached hereto and incorporated herein as if fully rewritten.

PLACE

A7 Engineering, Inc.
12860 C Danielson Court
Poway, CA 92064
Or such other place as may be agreed

DATE AND TIME

**July 17, 2006 or such other
time as agreed**☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Jonathan L. Parshall
Jonathan L. Parshall, Esq., Attorney for Plaintiff**June 30, 2006**

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Jonathan L. Parshall
Murphy Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19805

Tel: (302) 472-8106

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

7/10/06

12860 C Danielson Ct., Poway, CA 92064

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Brian Hall

Authorized to Accept

SERVED BY (PRINT NAME)

TITLE

Shirley Burcks

Process Server


DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

7/17/06

DATE


SIGNATURE OF SERVER

Junes Attorney Service

ADDRESS OF SERVER

3776 Fourth Avenue, San Diego, CA 92103

ATTACHMENT A

DEFINITIONS AND INSTRUCTIONS

(a) The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). It includes but is not limited to drawings, graphs, charts, photographs, audio and video recordings, electronic data (including e-mails, whether printed or contained in a computer hard drive), and other data compilations from which information can be obtained and translated, if necessary, into reasonably usable form.

(b) The term “relating to” means concerning, constituting, embodying, comprising, reflecting, refuting, identifying, stating, referring to, dealing with, commenting on, responding to, describing, analyzing or containing information concerning a given subject matter.

(c) Documents “sufficient to identify” a person provide any or all of the following: name, occupation, title, present home address and telephone number, present work address and telephone number, past home and work addresses and telephone numbers, and all present and past e-mail addresses.

(d) The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

(e) The terms “you” or “your” mean A7 Engineering, Inc., its officers, employees, and any agents acting on its behalf.

(f) The term “BSQUARE” means Bsquare Corporation, its officers, employees, and any agents acting on its behalf.

(g) The term "Data Evolution" means Data Evolution Corporation, any officers or employees of the corporation, and any agents acting on behalf of the corporation.

(h) The term "Project" means the Data Evolution's project to develop a new version of the Clio computer including, without limitation, its contract with BSQUARE to do so.

(i) "All" and "each" shall be construed as all and each.

(j) "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all documents that might otherwise be construed to be outside the scope.

(k) These requests are continuing in character. You are thus required to produce for inspection and copying any documents not previously produced that you may from time to time obtain, locate, identify or acquire the ability to produce.

(l) Should you make a claim that a requested document is not subject to discovery by reason of privilege or the work product doctrine, you are required to identify separately each document for which such a privilege or doctrine is claimed, together with the following information:

- (1) the date of, or appearing on, the document;
- (2) the document's author(s);
- (3) the addressee(s) and/or recipient(s) of the document, if any;
- (4) a description of the document, including its title, if any, as well as the type of document (for example, handwritten note);

- (5) a description of the contents and/or subject matter of the document; and
- (6) the privilege or doctrine claimed.

DOCUMENT REQUESTS

REQUEST NO. 1

All documents relating to the Project.

REQUEST NO. 2

All documents comprising or relating to your contract with Data Evolution for investigation of the status of the Project.

REQUEST NO. 3

All documents reflecting communication between you and BSQUARE and Data Evolution related to the Project or your investigation of the Project.